



## UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 6 2008

In re Application of :  
LUONG, BRUNO et al. : **DECISION ON PETITION**  
Application No. 09/033, 965 :  
Filed: March 3, 1998 :  
Attorney Docket No. 2731 :

This is a decision on the Request To Withdraw Holding Of Notice Of Abandonment received in the United States Patent and Trademark Office (USPTO) July 22, 2008, which is being treated as a Petition To Withdraw Holding Of Abandonment for the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee as required by the Notice of Allowance and Fee(s) Due, mailed July 16, 2001, which set forth a three (3) month statutory period for reply. Accordingly, the Notice of Abandonment was mailed on August 6, 2002.

Petitioner states that the Applicants responded by timely paying the Issue Fee on August 24, 2001. In support of this assertion the petitioner has submitted documents, which include the following:

copy of "Express Mail" mailing label No. EV 114-915-491 US with a "Date in" of August 24, 2001

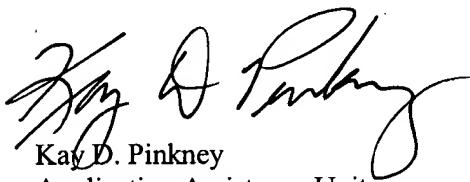
copy of Form PTOL-85B (FEE(S) TRANSMITTAL) signed by Brigitte L. Jeffery

The petitioner has demonstrated that the Fee Transmittal was timely mailed via Express Mail on August 24, 2001, and is in compliance with 37 CFR 1.10 in that

- (1) the Patent and Trademark Office was promptly informed of the previous timely mailing,
- (2) a copy of the previously mailed correspondence with the "Express Mail" mailing label thereon has been submitted,
- (3) included a true copy of the "Express Mail" mailing label showing the "date in," and
- (4) included a statement which attests to the previous timely mailing.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision be directed to the undersigned in the Office of Patent Publication at 703-305-9250 x 175.



Kay D. Pinkney  
Application Assistance Unit  
Office of Data Management